

HONORABLE LONNY R. SUKO

MICHAEL E. McFARLAND, JR., #23000  
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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUN 15 2015

SEAN F. McAVOY, CLERK  
DEPUTY  
YAKIMA, WASHINGTON

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

KATHLEEN H. PAUKERT as Guardian  
ad Litem for MINOR CHILD A; and  
JOHN and JANE DOE, husband and wife  
and parents of MINOR CHILD A,

NO. CV-13-094-LRS

Plaintiffs,

STIPULATED ORDER OF  
PROTECTION

vs.

CENTRAL VALLEY SCHOOL  
DISTRICT NO. 356, a political  
subdivision; DAVE BOUGE, individually  
and in his capacity as an official of  
Bowdish Middle School and/or Central  
Valley School District; LISE LOUER,  
individually and in her capacity as an  
official of Bowdish Middle School and/or  
Central Valley School District; ROBERT  
JOHNSON, individually and in his  
capacity as an official of Bowdish Middle  
School and/or Central Valley School  
District; and MICHAEL O. PEARSON,  
individually and in his capacity as an  
official of Bowdish Middle School and/or  
Central Valley School District,

Defendants.

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**I. BASIS**

On April 20, 2015, Defendants served a Notice of FRCP 34 Inspection on Plaintiffs seeking to inspect Minor Child A's cell phone activity on the 18<sup>th</sup> and 19<sup>th</sup> of October 2014. The purpose of the inspection is to retrieve text messages and other information related to the October 18, 2014 motor vehicle accident and the events giving rise to this lawsuit. Defendants now seek to expand the search to the months of October-November 2014 and to search for certain key words. Plaintiffs do not object.

The parties recognize that there may be information contained on Minor Child A's cell phone that is "private" or "sensitive" to Minor Child A and has no relevance to these proceedings. In order to give Defendants access to discoverable and relevant information, and at the same time protect Minor Child A's privacy, the parties have agreed to the following procedure for the inspection of Minor Child A's cell phone.

**II. STIPULATION**

IT IS HEREBY STIPULATED BY THE PARTIES, by and through their attorneys, that the following procedure shall apply to the inspection of Minor Child A's cell phone:

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1           1.     Plaintiffs will produce Minor Child A's cell phone, along with any  
2 applicable passwords, to Global CompuSearch;  
3

4           2.     Global CompuSearch will conduct two searches of the content on  
5 Minor Child A's cell phone, including any information stored in "the cloud;"  
6

7           3.     The first search will be a search for all of the information, social  
8 media posts, data, texts, images retrieved from Minor Child A's phone for the  
9 months of October-November 2014;  
10

11           4.     The second search will be a search for the following key words that  
12 is not limited to a date range: suicide; suicidal; kill; die; accident; lawsuit; court;  
13 rape; accident; crash; Anthony; Cucinotti; Marcus; Kindra; Maddy; Northwest  
14 Boulevard; Bowdish; and sexual abuse.  
15  
16

17           5.     Global CompuSearch will produce a report for each of the above  
18 searches in accordance with their normal procedures;  
19  
20

21           6.     Said reports will be delivered to counsel for Plaintiffs. Global  
22 CompuSearch will not provide a copy of the report to anyone else, but will keep  
23 a copy of the report in its file;  
24

25           7.     Counsel for Plaintiffs will redact portions of the reports that counsel  
26 believes is not relevant and would invade the privacy interests of Minor Child A.  
27  
28

1 Counsel will then provide counsel for Defendants with a copy of the redacted  
2 report, along with a "redaction log" identifying the general nature of what has  
3 been redacted. The redaction log will be sufficiently detailed so as to allow the  
4 Defendants to challenge the redactions with the Court, should Defendants  
5 believe that any redaction is improper;  
6

7  
8 8. The report produced by Global CompuSearch shall remain  
9 confidential, meaning that Global CompuSearch will not produce a copy of the  
10 file to anyone other than counsel for Plaintiffs. The redacted report produced to  
11 counsel for Defendants shall be subject to the same protections as Minor Child  
12 A's medical records and school records in this litigation.  
13  
14

15  
16 9. If the documents produced by Global CompuSearch are sufficiently  
17 voluminous such that it would impose an undue burden on Plaintiffs' counsel to  
18 make the redactions referenced in Paragraph 7, the parties will confer in an effort  
19 to identify an alternative method of producing relevant information to the  
20 defense without imposing an undue burden on Plaintiffs.  
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1           10. Defendants will pay the costs of having Global CompuSearch  
2 perform the foregoing inspection and produce the report.  
3

4           DATED this 15<sup>th</sup> day of June, 2015.

5  
6                           EVANS, CRAVEN & LACKIE, P.S.

7  
8                           BY s/ Michael E. McFarland  
9                           MICHAEL E. McFARLAND, JR., #23000  
10                          Attorneys for Defendants

11                          EYMANN ALLISON HUNTER JONES P.S.

12  
13                          BY s/ Richard C. Eymann  
14                          RICHARD C. EYMANN, WSBA #7470  
15                          Attorneys for Plaintiffs

**ORDER**

Based on the parties' foregoing Stipulation, the Court, having considered the files and records herein, finds that good cause exists to grant the parties' Stipulated Order of Protection.

Now, therefore, it is hereby ORDERED, ADJUDGED AND DECREED that the parties' Stipulated Order of Protection is **GRANTED**. The inspection of Minor Child A's cell phone shall be conducted pursuant to the protocols as set forth above.

DATED this 15<sup>th</sup> day of June, 2015.



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HONORABLE LONNY R. SUKO  
Senior U.S. District Court Judge